

MorrisonCohen LLP

The application is ☒ granted.
☐ denied.Matthew S. Hyner
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MEMO ENDORSED

January 15, 2014

VIA FACSIMILE ((914) 390-4179)Honorable Nelson S. Román
United States District Court Judge
Federal Building and United States Courthouse
300 Quarropas Street
White Plains, New York 106041-4150

Nelson S. Román, U.S.D.J.

Dated: Jan. 15, 2014

White Plains, New York 10601

Initial Conference rescheduled until April 3, 2014 at 11:30 am. This case has been designated for inclusion in the Pilot Project Regarding Case Management Techniques for Complex Civil Cases in SDNY. The parties should refer to ECF Doc. No. 3, submit the Report under 1.A. seven days before the conference and be prepared at the conference to discuss the issues set forth in 1.B.

Re: CDx Diagnostics, Inc. and Shared Medical Resources, LLC v. U.S. Endoscopy Group, Inc. *forth in*
(Case No. 13-5669 S.D.N.Y.) (NSR) 1.B.

Dear Judge Román:

We represent Defendant U.S. Endoscopy Group, Inc. ("US Endoscopy") as counsel in the above-referenced action. In accordance with your Honor's Individual Practices in Civil Cases (1)(E), U.S. Endoscopy respectfully requests an adjournment of the Initial Rule 16 Court Conference scheduled for January 30, 2014.

US Endoscopy seeks this extension because its lead trial and patent counsel, Todd Tucker of Calfee, Halter & Griswold LLP (Cleveland), will be unable to attend because of a previously scheduled mediation in Michigan on the same date. (Mr. Tucker's application for admission *pro hac vice* to this Court will be filed shortly.) Counsel for Plaintiffs CDx Diagnostics, Inc. and Shared Medical Resources, LLC have consented to this adjournment request. The Parties propose the following three mutually agreeable alternate dates: (i) March 27, 2014; (ii) April 3, 2014 (availability limited to the morning); and (iii) April 4, 2014 (availability limited to the morning). US Endoscopy has not previously requested an adjournment of the Initial Rule 16 Court Conference.

Thank you for your consideration of this matter.

Respectfully submitted,


Matthew S. Hyner

Todd Tucker, Esq.
Alvin Lin, Esq.
Peter Berger, Esq.
Jonathan Berger, Esq.
Tuvia Rotberg, Esq.

